

REMARKS

Claims 1-5, 8, 10-17, 27, and 29 are pending.

Claims 11 and 13-15 stand objected to because of informalities.

Claims 11, 16, and 27 stand rejected under 35 USC §112, second paragraph, as being allegedly indefinite for failing to particularly point out and distinctly claim the subject matter that the Applicant regards as the invention.

Claims 1-10 stand rejected under 35 USC §102(e) as being allegedly anticipated by Kripesh et al. (US 2002/0175424 A1).

Claims 13 and 16 stand rejected under 35 USC §103(a) as being allegedly unpatentable over Kripesh et al. (US 2002/0175424 A1) in view of Sinha et al. (US 2004/0157433).

Claims 27 and 29 stand rejected under 35 USC §103(a) as being allegedly unpatentable over Kripesh et al. (US 2002/0175424 A1) in view of Han et al. (US 6,924,234 B2).

Changes in the Claims:

Claims 1, 8, 12, 15, 16, and 27 have been amended in this application to further particularly point out and distinctly claim subject matter regarded as the invention. The amendments are supported by the specification as originally filed, for example, at paragraphs [0022]-[0027], FIGS. 2a-2d. No new matter has been added.

Objections to Claims 11, 13-15:

Claims 11, 13 have been canceled. The objection is now moot.

Claim 15 has been amended to replace “second material” with –metal more noble than copper--.

Rejection under 35 USC §112, second paragraph – claims 11, 16, and 27

Claims 11, 16, and 27 stand rejected under 35 USC §112, second paragraph, as being allegedly indefinite for failing to particularly point out and distinctly claim the subject matter that the Applicant regards as the invention. This rejection is respectfully traversed.

MPEP §2171 identifies two separate requirements: (1) the claims must set forth the subject matter that applicants regard as their invention; and (2) the claims must particularly point out and distinctly define the meets and bounds of the subject matter that will be protected by the patent grant. A lack of antecedent basis may be found if a claim is “indefinite” because “it contains words or phrases whose meaning is unclear”; see MPEP §2173.05(e).

Claim 11 has been amended. The objection to claim 11 is now moot.

Claim 16 has been amended to replace “the first material” with --copper--. The term “a predetermined temperature and time” in Claim 16 has been removed.

In Claim 27, the term “a predetermined solubility” has been removed.

The claims now meet the statutory requirements.

Rejection under 35 USC §102(e) – claims 1-10

Claims 1-10 stand rejected under 35 USC §102(e) as being allegedly anticipated by Kripesh et al. (US 2002/0175424 A1). This rejection is respectfully traversed.

A claim must be anticipated for a proper rejection under §102(a), (b), and (e). This requirement is satisfied “only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference”; see MPEP §2131 and *Verdegaal Bros. V. Union Oil*, 814 F.2d 628, 2 USPQ2d 1051 (Fed. Cir. 1984). A rejection under §102(e) may be overcome by showing that the claims are patentably distinguishable from the prior art; see MPEP §706.02(b).

Kripesh describes forming a metal surface on an interconnect. However, Kripesh is silent as to “**planarizing the conductive path after the facilitating to remove the deposited metal and a portion of the conductive path**” as claimed in Claim 1.

Kripesh does not teach or suggest “**planarizing the conductive path after the facilitating to remove the deposited metal and a portion of the conductive path.**”

The presently claimed invention is, accordingly, distinguishable over the cited reference. In the view of the foregoing, it is respectfully asserted that claims 1-10 are now in condition for allowance.

Rejection under 35 USC §103(a) – claims 13 and 16

Claims 13 and 16 stand rejected under 35 USC §103(a) as being allegedly unpatentable over Kripesh et al. (US 2002/0175424 A1) in view of Sinha et al. (US 2004/0157433). This rejection is respectfully traversed.

Under MPEP §706.02(j), in order to establish a prima facie case of obviousness required for a §103 rejection, three basic criteria must be met: (1) there must be some suggestion or motivation either in the references or knowledge generally available to modify the reference or combine reference teachings (MPEP §2143.01), (2) a reasonable expectation of success (MPEP §2143.02), and (3) the prior art must teach or suggest all the claim limitations (MPEP §2143.03). See *In re Royka*, 490 F. 2d 981, 180 USPQ 580 (CCPA 1974).

Because claim 13 has been canceled, the rejection is now moot for claim 13.

Applicant respectfully submits that the proposed combination of Kripesh and Sinha does not teach or suggest all of the claim limitations of claim 16. Neither Kripesh nor Sinha teach or suggest “**planarizing the conductive path after the facilitating to remove the deposited metal and a portion of the conductive path**”.

Applicant therefore submits that the rejection based the Kripesh and Sinha reference be withdrawn. Thus, Applicant submits that claim 13 recites novel subject matter which distinguishes over any possible combination of Kripesh and Sinha.

Rejection under 35 USC §103(a) – claims 27 and 29

Claims 27 and 29 stand rejected under 35 USC §103(a) as being allegedly unpatentable over Kripesh et al. (US 2002/0175424 A1) in view of Han et al. (US 6,924,234 B2). This rejection is respectfully traversed.

Applicant respectfully submits that the proposed combination of Kripesh and Han does not teach or suggest all of the claim limitations of claims 27 and 29. Neither Kripesh nor Han teach or suggest “**planarizing the conductive path after the facilitating to remove the deposited second material and a portion of the conductive path**.”

Applicant therefore submits that the rejection based the Kripesh and Han reference be withdrawn. Thus, Applicant submits that claims 27 and 29 recite novel subject matter which distinguishes over any possible combination of Kripesh and Han.

Conclusion

For all of the above reasons, applicants submit that the amended claims are now in proper form, and that the amended claims all define patentable subject matter over the prior art. Therefore, Applicants submit that this application is now in condition for allowance.

Request for allowance

It is believed that this Amendment places the above-identified patent application into condition for allowance. Early favorable consideration of this Amendment is earnestly solicited.


Invitation for a Telephone Interview

If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

Respectfully submitted,

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